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National Collegiate Athletic Association,  
National Basketball Association, National  
Football League, National Hockey League, and  
Office of the Commissioner of Baseball doing  
business as Major League Baseball

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NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION, et al.,

Plaintiffs,

v.

CHRISTOPHER J. CHRISTIE, et al.,

Defendants.

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

Civil Action No. 3:12-cv-4947 (MAS) (LHG)  
Hon. Michael A. Shipp, U.S.D.J.  
Hon. Lois H. Goodman, U.S.M.J.

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**CERTIFICATION OF RICHARD HERNANDEZ IN OPPOSITION TO DEFENDANTS'  
CROSS-MOTION FOR SUMMARY JUDGMENT AND IN FURTHER SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND, IF NECESSARY TO  
PRESERVE THE STATUS QUO, A PRELIMINARY INJUNCTION**

I, RICHARD HERNANDEZ, of full age, hereby certify as follows:

1. I am an attorney duly admitted to practice in this Court, and a member of the law firm of McCarter & English LLP, attorneys for Plaintiffs National Collegiate Athletic

Association (the “NCAA”), National Basketball Association (the “NBA”), National Football League (the “NFL”), National Hockey League (“NHL”), and the Office of the Commissioner of Baseball (“MLB”).

2. I respectfully submit this Certification to put before the Court documents relevant to Plaintiffs’ Opposition to Defendants’ Cross-Motion for Summary Judgment and in Further Support of Plaintiffs’ Motion for Summary Judgment and, if Necessary to Preserve the Status Quo, a Preliminary Injunction.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the transcript of the October 30, 2012 deposition of NCAA 30(b)(6) witness Rachel Newman Baker.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the transcript of the October 31, 2012 deposition of NCAA President Mark Emmert.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the transcript of the November 5, 2012 deposition of NFL 30(b)(6) witness Lawrence P. Feraazani, Jr.

6. Attached hereto as **Exhibit 4** is a true and correct copy of the transcript of the November 6, 2012 deposition of MLB 30(b)(6) witness Thomas Ostertag.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the transcript of the November 9, 2012 deposition of MLB Commissioner Allan H. Selig.

8. Attached hereto as **Exhibit 6** is a true and correct copy of the transcript of the November 12, 2012 deposition of NFL Commissioner Roger S. Goodell.

9. Attached hereto as **Exhibit 7** is a true and correct copy of the transcript of the November 15, 2012 deposition of NBA 30(b)(6) witness Richard W. Buchanan.

10. Attached hereto as **Exhibit 8** is a true and correct copy of the transcript of the November 16, 2012 deposition of NBA Commissioner David J. Stern.

11. Attached hereto as **Exhibit 9** is a true and correct copy of the transcript of the November 19, 2012 deposition of NHL Commissioner and 30(b)(6) witness Gary B. Bettman.

12. Attached hereto as **Exhibit 10** is a true and correct copy of the transcript of the November 19, 2012 deposition of MLB witness Daniel T. Mullin.

13. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts of the June 26, 1991 Hearing Before the Senate Subcommittee on Patents, Copyrights and Trademarks, Senate Hearing 102-499, bates stamped as PLAINTIFFS' 00000001, 00000007, 00000042-00000049, 00000067-00000070, and 00000216-000000218.

14. Attached hereto as **Exhibit 12** is a true and correct copy of the Official Rules for the MLB.com "Beat the Streak" game, bates stamped as PLAINTIFFS' 00004083-00004088.

15. Attached hereto as **Exhibit 13** is a true and correct copy of an excerpt of the Official Rules for the online "2011 NFL Playoff Challenge Fantasy Game," bates stamped as PLAINTIFFS' 00003151.

16. Attached hereto as **Exhibit 14** is a true and correct copy of the Official Rules for the MLB.com "Beat the Streak in a Day" Contest, bates stamped as PLAINTIFFS' 00002209-00002210.

17. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from a report on the 2003 NCAA National Study on Collegiate Sports Wagering and Associated Behaviors, bates stamped as PLAINTIFFS' 00002821-00002826, 00002834-00002847.

18. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from a November 13, 2009 presentation titled "Results from the 2008 NCAA Study on Collegiate Wagering," bates stamped as PLAINTIFFS' 00003711, 00003737-00003743.

19. Attached hereto as **Exhibit 17** is a true and correct copy of a document titled “NCAA National Study on Sports Wagering,” bates stamped as PLAINTIFFS’ 00003490-00003492.

20. Attached hereto as **Exhibit 18** is a true and correct copy of an online article titled “Cantor Gaming’s Mike Colbert dishes on legalized gambling in New Jersey, NFL underdogs and more,” dated October 18, 2012, and bates stamped as PLAINTIFFS’ 00004188-00004190.

21. Attached hereto as **Exhibit 19** is a true and correct copy of an ESPN.com article titled “Authorities expose \$50M betting ring,” dated October 25, 2012, and bates stamped as DEFENDANTS’ 000306-000307.

22. Attached hereto as **Exhibit 20** is a true and correct copy of a March 21, 2008 NHL Memorandum titled “Club Marketing Relationships with Organizations Engaged in the Gambling Industry,” bates stamped as PLAINTIFFS’ 00003562-00003565.

23. Attached hereto as **Exhibit 21** is a true and correct copy of excerpts from the NFL Constitution and Bylaws, bates stamped as PLAINTIFFS’ 00004171-00004178.

24. Attached hereto as **Exhibit 22** is a true and correct copy of excerpts from a January 2010 presentation titled “Results from the 2008 NCAA Study on Collegiate Wagering,” bates stamped as PLAINTIFFS’ 00003005, 00003037-00003049.

25. Attached hereto as **Exhibit 23** is a true and correct copy of a document titled “NBA Las Vegas / Gambling Survey,” bates stamped as PLAINTIFFS’ 00002263-00002268.

26. Attached hereto as **Exhibit 24** is a true and correct copy of Senate Report No. 102-248, bates stamped as PLAINTIFFS’ 00000244-00000258.

27. Attached hereto as **Exhibit 25** is a true and correct copy of an NCAA press release titled “New Jersey state law on wagering forces championship relocation,” dated October 16, 2012, and bates stamped as PLAINTIFFS’ 00002812.

28. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts of the September 12, 1991 Hearing Before the House of Representatives Subcommittee on Economic and Commercial Law, bates stamped as PLAINTIFFS’ 00000391, 00000432-00000436.

29. Attached hereto as **Exhibit 27** is a true and correct copy of a letter sent to Congress on behalf of representatives of the Plaintiffs, dated February 1, 2006, and bates stamped as PLAINTIFFS’ 00001239.

30. Attached hereto as **Exhibit 28** is a true and correct copy of a “Statement of Major League Baseball Regarding Proposed Legalized Sports Betting in New York State,” dated October 4, 1989, and bates stamped as PLAINTIFFS’ 00000721-00000725.

31. Attached hereto as **Exhibit 29** is a true and correct copy of excerpts of the December 9, 2010 Public Hearing before the New Jersey Senate Economic Growth Committee, bates stamped as PLAINTIFFS’ 00001526, 00001532-00001533.

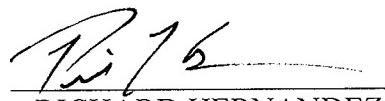
32. Attached hereto as **Exhibit 30** is a true and correct copy of a document titled, “Statement of Gary B. Bettman, Sr. Vice President and General Counsel of the National Basketball Association “ to the New Jersey Assembly Appropriations Committee, dated April 28, 1992, and bates stamped as PLAINTIFFS’ 00002146-00002155.

33. Attached hereto as **Exhibit 31** is a true and correct copy of the transcript of the November 30, 2012 deposition of Robert D. Willig.

34. Attached hereto as **Exhibit 32** is a true and correct copy of excerpts of the October 25, 2012 indictment for *New York v. Basciano et al.*, bates stamped as PLAINTIFFS’

00004191-00004192, 00004197-00004198, 00004222-00004226, 00004246-00004249,  
0004326-00004327, 00004352-00004355, and 00004447-00004449.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.



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RICHARD HERNANDEZ

Dated: December 7, 2012